

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CANDACE HARPER, Individually and on Behalf :  
Of All Other Persons Similarly Situated, :

Plaintiffs, :

-against- :

GOVERNMENT EMPLOYEES INSURANCE :  
COMPANY a/k/a GEICO, :

Defendant. :

No. 2:09-cv-02254 (LDW)(GRB)

**JOINT STIPULATION TO ACCEPT REPORT AND RECOMMENDATION**  
**ENTERED BY MAGISTRATE JUDGE GARY R. BROWN AND TO TOLL**  
**OPT-IN PLAINTIFFS' STATUTES OF LIMITATIONS FOR A PERIOD OF 45**  
**DAYS FROM DECEMBER 31, 2015**

Plaintiffs Candace Harper et al ("Plaintiffs") and Defendant Government Employees Insurance Company a/k/a GEICO ("Defendant") (collectively, the "Parties") hereby stipulate, by and through their respective counsel of record, as follows:

1. Magistrate Judge Gary R. Brown issued a Report and Recommendation on November 16, 2015 (the "R&R") (Docket No. 191) in which he recommended that Defendant's motion to decertified be granted;
2. The parties then agreed to extend, until December 21, 2015, the date for Plaintiffs' filing of objections to the R&R (Docket No. 192), which the Court approved on November 23, 2015; and
3. The parties, after further discussions, have agreed that in exchange for Plaintiffs not filing an objection to the R&R, the R&R should be accepted by the Court and that, in addition, those opt-in Plaintiffs whose claims in this action would be dismissed by the acceptance of the Court of the R&R, and whose statutes of

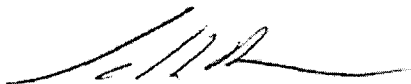
limitations for the claims asserted in this case would start to run anew upon decertification of the previously conditionally certified collective, should be tolled for a period of 45 days from December 21, 2015, until February 4, 2016; and


THEREFORE, it is hereby stipulated and agreed that the parties believe and agree that the Court should adopt Magistrate Judge Brown's Report and Recommendation and that the previously conditionally certified collective in this case (Docket Nos. 36 and 46) should be decertified and it is further

HEREBY STIPULATED AND AGREED that the statutes of limitations for all opt-in Plaintiffs who joined this action and whose statute of limitations were tolled upon their entering the conditional certified (and now to be decertified collective action) shall be tolled for an additional period of 45 days from December 21, 2015, until February 4, 2016.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: December 21, 2015

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-and-

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IT IS SO ORDERED,

  
LEONARD WEXLER  
UNITED STATES DISTRICT JUDGE

*Central Islip, NY*  
*1/6/16*